

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

OPELTON KELLY,

Petitioner,

v

Case No. 07-13259

DAVID L. BERGH,

DISTRICT JUDGE ARTHUR J. TARNOW

Respondent.

MAG. JUDGE PAUL J. KOMIVES

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ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Before the Court is Magistrate Judge Komives' Report and Recommendation [Docket #26] filed December 1, 2009. The Magistrate Judge recommends that this Court deny petitioner's motion for relief from judgment [Docket #23]. Petitioner filed objections on December 17, 2009 [Docket #29].

Having reviewed the file, the Report and Recommendation and the objections the Court **ADOPTS** the Report and Recommendation as the findings and conclusions of the Court. Accordingly, petitioner's motion for relief from judgment is **DENIED**.

It is further ordered that petitioner's motion to file excess pages [Docket #30] is **GRANTED**.

s/Arthur J. Tarnow
Arthur J. Tarnow
United States District Judge

Dated: December 28, 2009

I hereby certify that a copy of the foregoing document was served upon parties/counsel of record on December 28, 2009, by electronic and/or ordinary mail.

s/Catherine A. Pickles

Judicial Secretary